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Date:

12/15/03

To:

OFFICE OF THE SECRETARY

From:

Bob Morrow

Company:

FCC

Company:

e-Rate Consulting

Fax:

202-418-0187

Phone:

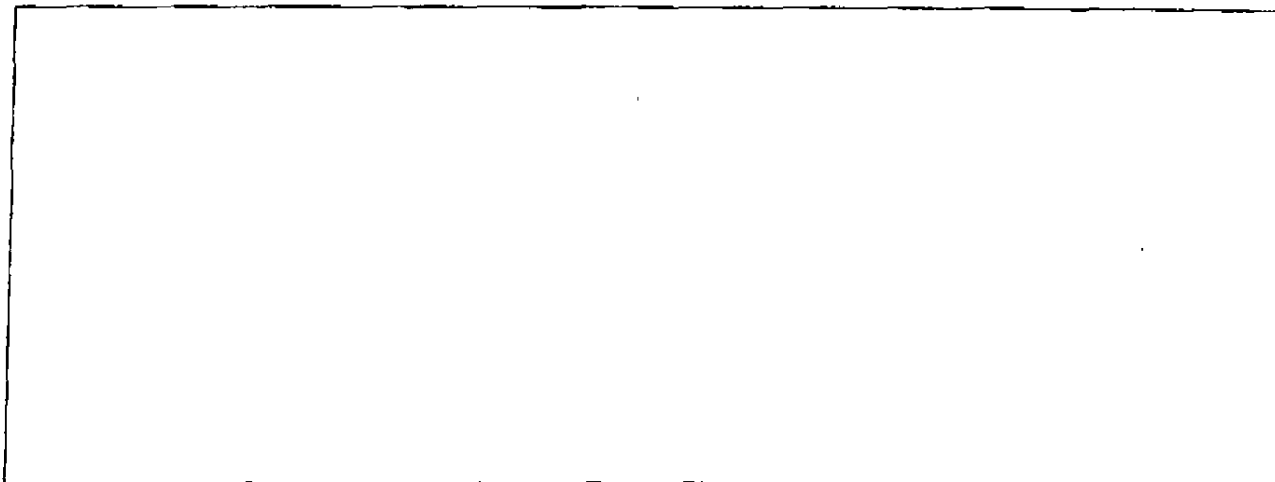
(770) 592-4698, x107

Fax:

(770) 592-4693

Number of pages including this cover sheet 16.

Message

96-45, 97-21

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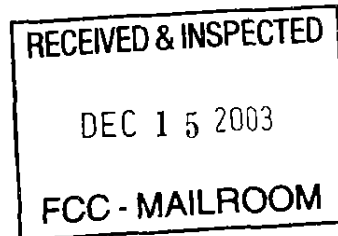
103 Weatherstone Drive · Suite 720 · Woodstock, GA 30188 · Phone: (770) 592-4698 · Fax: (770) 592-4693
Phone Toll Free: (888) 249-1661 · <http://www.erateconsulting.com>

FCC Appeal of SLD Denial of Appeal**CC Docket Nos. 96-45 and 97-21****12/15/03****Contact Information**

Robert A. Morrow
Compliance Manager
E-rate Consulting
103 Weatherstone Drive
Suite 720
Woodstock, GA 30188
888-249-1661
FAX: 770-592-4693

bmorrow@erateconsulting.com

Note: Letter of Agency to act on behalf of ALAC is attached

**Name of Entity:**

Approach Learning and Assessment Centers (158862)

SLD Action Being Appealed:

Administrator's Decision on Appeal -- Funding Year 1999-2000
Dated October 17, 2003 (attached)

471 Application Involved: #140957

Case for Appeal

During the course of a selective Year 5 Form 471 review, the SLD discovered that the contact name and address listed on the applicant's Form 470 was the same as the contact listed in the SLD's database for one of the listed vendors, LW Associates. On the basis of what appeared to be a clear violation of the SLD's ban on vendor involvement in the competitive bidding process, the funding requests were denied.

Subsequently, the applicant received the attached Commitment Adjustment letter for the 1999-2000 funding year, citing the same reasons for denial.

I filed an appeal with the SLD, asking that the Commitment Adjustment letter be withdrawn until the original Year 5 decision went through the appeals process, since it was the basis of the Commitment Adjustment. I further clarified my intent in an attached letter to John Vita of the Appeals Group in response to his questions.

[Handwritten signature and date]
12/15/03

The attached denial was received by ALAC in October. Although I am listed as the contact on the appeal, I never received a copy. The denial also refers to dated correspondence that matches nothing I or ALAC have sent.

Worse, it doesn't address the reason I appealed. I didn't ask for judgment on the SLD's original decision; that is going through the normal appeals process and is currently before the FCC. All I asked is that the Commitment Adjustment letter be withdrawn until the original funding issue is determined.

That is also what I am asking the FCC: direct the SLD to withdraw the Commitment Adjustment letter while the original funding denial issue is being appealed.

Please contact me if you have any questions.

Sincerely,

Attachments: January 31, 2003 Commitment Adjustment letter
March 31, 2003 appeal
May 30, 2003 letter to John Vita
October 17, 2003 denial
Letter of Agency

00/10/00 100 10.00 500

USACUniversal Service Administrative Company
Schools & Libraries DivisionCc: Dyer
K. Jones

Re: FY2

COMMITMENT ADJUSTMENT LETTER

January 31, 2003

MS. FRAN OLDER
APPROACH LEARNING & ASSESSMENT CENTE
5319 UNIVERSITY DRIVE, BOX 416
IRVINE, CA 92612

Re: COMMITMENT ADJUSTMENT

Funding Year: 1999-2000

Form 471 Application Number: 140957

Dear Applicant:

Our routine reviews of Schools and Libraries Program funding commitments revealed certain applications where funds were committed in violation of program rules.

In order to be sure that no funds are used in violation of program rules, SLD must now adjust your overall funding commitments. The purpose of this letter is to make the adjustments to your funding commitments required by program rules.

FUNDING COMMITMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. The enclosed report includes a list of the FRNs from your application for which adjustments are necessary. The SLD is also sending this information to your service provider(s), so preparations can be made to implement this decision. Immediately preceding the Funding Commitment Report, you will find a guide that defines each line of the Report.

Please note that if the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the funds disbursed. The amount is shown as Funds to be Recovered. If funds must be recovered, we will be sending your service provider a letter describing the process for recovering these funds in the near future, and we will send a copy of the letter to you. If the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount.

②

TO APPEAL THESE FUNDING COMMITMENT DECISIONS

If you wish to appeal the Funding Commitment Decision(s) indicated in this letter, your appeal must be made in writing and **RECEIVED BY THE SCHOOLS AND LIBRARIES DIVISION (SLD) WITHIN 60 DAYS OF THE DATE AT THE TOP OF THIS LETTER**. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which Commitment Adjustment Letter you are appealing. Your letter of appeal must include the applicant name and the Form 47 Application Number from the top of this Commitment Adjustment Letter.
3. Identify the particular Funding Request Number(s) (FRN) that is the subject of your appeal. When explaining your appeal, include the precise language or text from the Commitment Adjustment Letter that is at the heart of your appeal. By pointing us to the exact words that give rise to your appeal, you will enable us to more readily understand and respond appropriately to your appeal. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125- Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site www.sl.universalservice.org or by calling the Client Service Bureau at 1-(888)-203-8100. We encourage the use of either the e-mail or fax filing options to expedite filing your appeal.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket Nos. 96-45 and 97-21 on the first page of your appeal to the FCC. Your appeal must be **RECEIVED BY THE FCC WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER**. Failure to meet this requirement will result in automatic dismissal of your appeal. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site, www.sl.universalservice.org or by calling the Client Service Bureau at 1-(888)-203-8100. We strongly recommend that you use either the e-mail or fax filing options because of continued substantial delays in mail delivery to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

A GUIDE TO THE FUNDING COMMITMENT REPORT

Attached to this letter will be a report for each funding request from your application for which a commitment adjustment is required. We are providing the following definitions.

- **FUNDING REQUEST NUMBER (FRN):** A Funding Request Number is assigned by the SLD to each request in Block 5 of your Form 471 once an application has been processed. This number is used to report to applicants and service providers the status of individual discount funding requests submitted on a Form 471.
- **SPIN (Service Provider Identification Number):** A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the universal service support programs.
- **SERVICE PROVIDER:** The legal name of the service provider.
- **CONTRACT NUMBER:** The number of the contract between the eligible party and the service provider. This will be present only if a contract number was provided on Form 471.
- **SERVICES ORDERED:** The type of service ordered from the service provider, as shown on Form 471.
- **SITE IDENTIFIER:** The Entity Number listed in Form 471 for "site specific" FRNs.
- **BILLING ACCOUNT NUMBER:** The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Number was provided on your Form 471.
- **ADJUSTED FUNDING COMMITMENT:** This represents the adjusted total amount of funding that SLD has committed to this FRN. If this amount exceeds the Funds Disbursed to Date, the SLD will continue to process properly filed invoices up to the new commitment amount.
- **FUNDS DISBURSED TO DATE:** This represents the total funds which have been paid up to now to the identified service provider for this FRN.
- **FUNDS TO BE RECOVERED:** This represents the amount of Funds Disbursed to Date that exceed the Adjusted Funding Commitment amount. These funds will have to be recovered. If the Funds Disbursed to Date do not exceed the Adjusted Funding Commitment amount, this entry will be \$0.
- **FUNDING COMMITMENT ADJUSTMENT EXPLANATION:** This entry provides a description of the reason the adjustment was made.

03/13/03 10:10:24 FAX

Funding Commitment Report for Application Number: 140957

Funding Request Number: 298712 SPIN: 143008103

Service Provider: Inter-Tel NetSolutions, Inc

Contract Number: LAN 26842

Services Ordered: TELCOMM SERVICES

Site Identifier:

Billing Account Number:

Adjusted Funding Commitment: \$0.00

Funds Disbursed to Date: \$21,612.64

Funds to be Recovered: \$21,612.64

Funding Commitment Adjustment Explanation:

After thorough investigation it has been determined that Fran Older is associated with LW Associates (5319 University Drive, Irvine CA 92612, SPIN: 143009275), a service provider. Fran Older is also the contact person on the Form 470 that is referenced for this funding request. The Form 470 associated with this funding request contains service provider (SP) contact information, which violates the intent of the competitive bidding process. Competitive bidding violation occurs when SP associated with Form 470 participates in competitive bidding process as a bidder. As a result of the competitive bidding violation, the SLD is rescinding the amount committed to this funding request in full, and will seek recovery of any funds that have been disbursed.

Funding Request Number: 298719 SPIN: 143009353

Service Provider: At Home Corporation

Contract Number: W10010

Services Ordered: INTERNET ACCESS

Site Identifier:

Billing Account Number:

Adjusted Funding Commitment: \$0.00

Funds Disbursed to Date: \$23,670.00

Funds to be Recovered: \$23,670.00

Funding Commitment Adjustment Explanation:

After thorough investigation it has been determined that Fran Older is associated with LW Associates (5319 University Drive, Irvine CA 92612, SPIN: 143009275), a service provider. Fran Older is also the contact person on the Form 470 that is referenced for this funding request. The Form 470 associated with this funding request contains service provider (SP) contact information, which violates the intent of the competitive bidding process. Competitive bidding violation occurs when SP associated with Form 470 participates in competitive bidding process as a bidder. As a result of the competitive bidding violation, the SLD is rescinding the amount committed to this funding request in full, and will seek recovery of any funds that have been disbursed.

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Funding Request Number: 298721 SPIN: 143009275

Service Provider: LW Associates

Contract Number: LWA 987125

Services Ordered: INTERNAL CONNECTNS_S

Site Identifier:

Billing Account Number:

Adjusted Funding Commitment: \$0.00

Funds Disbursed to Date: \$47,250.00

Funds to be Recovered: \$47,250.00

Funding Commitment Adjustment Explanation:

After thorough investigation it has been determined that Fran Older is associated with LW Associates (5319 University Drive, Irvine CA 92612, SPIN: 143009275), a service provider. Fran Older is also the contact person on the Form 470 that is referenced for this funding request. The Form 470 associated with this funding request contains service provider (SP) contact information, which violates the intent of the competitive bidding process. Competitive bidding violation occurs when SP associated with Form 470 participates in competitive bidding process as a bidder. As a result of the competitive bidding violation, the SLD is rescinding the amount committed to this funding request in full, and will seek recovery of any funds that have been disbursed.

Funding Request Number: 298722 SPIN: 143009275

Service Provider: LW Associates

Contract Number: LWA 997126

Services Ordered: INTERNAL CONNECTNS_S

Site Identifier:

Billing Account Number:

Adjusted Funding Commitment: \$0.00

Funds Disbursed to Date: \$28,727.10

Funds to be Recovered: \$28,727.10

Funding Commitment Adjustment Explanation:

After thorough investigation it has been determined that Fran Older is associated with LW Associates (5319 University Drive, Irvine CA 92612, SPIN: 143009275), a service provider. Fran Older is also the contact person on the Form 470 that is referenced for this funding request. The Form 470 associated with this funding request contains service provider (SP) contact information, which violates the intent of the competitive bidding process. Competitive bidding violation occurs when SP associated with Form 470 participates in competitive bidding process as a bidder. As a result of the competitive bidding violation, the SLD is rescinding the amount committed to this funding request in full, and will seek recovery of any funds that have been disbursed.

(6)

Funding Request Number: 298726 SPIN: 143004390
Service Provider: Micron Government Computer Systems, LLC
Contract Number: 50067775
Services Ordered: INTERNAL CONNECTNS_S
Site Identifier:

Billing Account Number:
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date: \$13,172.34
Funds to be Recovered: \$13,172.34
Funding Commitment Adjustment Explanation:

After thorough investigation, it was determined that this funding request will be rescinded in full. It was determined during our investigation that Fran Older has signed the referenced Form 470: 949950000216594 for this funding request. Fran Older has been validated by the SLD as being a consultant for LW Associates (5319 University Drive, Irvine CA 92612, SPIN: 143009275). The Form 470 that was referenced for this funding request is not considered to be valid since SLD program procedures do not allow for service providers/consultants to sign and certify the Form 470 application. This is considered to be a conflict of interest and is a violation of the intent of the 28-day competitive bidding process. According to the SLD program procedures a billed entity cannot receive funding unless the entity cites a valid FCC Form 470. This Form 470 violation will result in the rescinding of the full committed amount, which has been disbursed and must be recovered.

Funding Request Number: 298727 SPIN: 143004390
Service Provider: Micron Government Computer Systems, LLC
Contract Number: 50076778
Services Ordered: INTERNAL CONNECTNS_S
Site Identifier:

Billing Account Number:
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date: \$7,621.60
Funds to be Recovered: \$7,621.60
Funding Commitment Adjustment Explanation:

After thorough investigation, it was determined that this funding request will be rescinded in full. It was determined during our investigation that Fran Older has signed the referenced Form 470: 949950000216594 for this funding request. Fran Older has been validated by the SLD as being a consultant for LW Associates (5319 University Drive, Irvine CA 92612, SPIN: 143009275). The Form 470 that was referenced for this funding request is not considered to be valid since SLD program procedures do not allow for service providers/consultants to sign and certify the Form 470 application. This is considered to be a conflict of interest and is a violation of the intent of the 28-day competitive bidding process. According to the SLD program procedures a billed entity cannot receive funding unless the entity cites a valid FCC Form 470. This Form 470 violation will result in the rescinding of the full committed amount, which has been disbursed and must be recovered.

Funding Request Number: 299955 SPIN: 143018559

Service Provider: Inter-Tel Netsolutions, Inc.

Contract Number: LAN2047622

Services Ordered: TELCOMM SERVICES

Site Identifier:

Billing Account Number:

Adjusted Funding Commitment: \$0.00

Funds Disbursed to Date: \$86,239.51

Funds to be Recovered: \$86,239.51

Funding Commitment Adjustment Explanation:

After thorough investigation it has been determined that Fran Older is associated with LW Associates (5319 University Drive, Irvine CA 92612, SPIN: 143009275), a service provider. Fran Older is also the contact person on the Form 470 that is referenced for this funding request. The Form 470 associated with this funding request contains service provider (SP) contact information, which violates the intent of the competitive bidding process. Competitive bidding violation occurs when SP associated with Form 470 participates in competitive bidding process as a bidder. As a result of the competitive bidding violation, the SLD is rescinding the amount committed to this funding request in full, and will seek recovery of any funds that have been disbursed.

Funding Request Number: 299956 SPIN: 143009353

Service Provider: At Home Corporation

Contract Number: 10009

Services Ordered: INTERNET ACCESS

Site Identifier:

Billing Account Number:

Adjusted Funding Commitment: \$0.00

Funds Disbursed to Date: \$86,184.00

Funds to be Recovered: \$86,184.00

Funding Commitment Adjustment Explanation:

After thorough investigation it has been determined that Fran Older is associated with LW Associates (5319 University Drive, Irvine CA 92612, SPIN: 143009275), a service provider. Fran Older is also the contact person on the Form 470 that is referenced for this funding request. The Form 470 associated with this funding request contains service provider (SP) contact information, which violates the intent of the competitive bidding process. Competitive bidding violation occurs when SP associated with Form 470 participates in competitive bidding process as a bidder. As a result of the competitive bidding violation, the SLD is rescinding the amount committed to this funding request in full, and will seek recovery of any funds that have been disbursed.



Bob Morrow
103 Weatherstone Drive
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bmorrow@erateconsulting.com

March 31, 2003

Appeals Group
Schools and Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Subj: Appeal of Commitment Adjustment Letter

Dear Sirs:

I have a Letter of Agency to act on behalf of APPROACH LEARNING & ASSESSMENT CENTERS (Entity #158862) and will be the contact person for this appeal.

Approach Learning & Assessment Centers is appealing the Commitment Adjustment Letter for 471 application number 140957 for Funding Year 1999-2000 dated January 31, 2003.

The basis for the Commitment Adjustment Letter is alleged improper involvement of a service provider in the preparation of Form 470. This allegation emerged during the Year 5 review process and resulted in the denial of all funding for Year 5. Approach Learning & Assessment Centers has appealed those FCDLs and the appeal is attached.

Until the appeal has been resolved, this Commitment Adjustment Letter should be withdrawn. To proceed otherwise while the cause of denial is under appeal would deny due process under the SLD's own guidelines; to conduct identical appeals for different funding years seems to me a waste of resources. Once the appeal process of Year 5 funding has been completed, the results can be applied to other funding years as appropriate.

Please contact me if you require additional information.

Sincerely

Attachments: Appeal dated Aug 28, 2002
Letter of Agency

Bob Morrow



103 Weatherstone Drive
Suite 720
Woodstock, GA 30188
(770) 592-4698 ext. 107
FAX: (770) 592-4693
Toll Free: (888) 249-1661

May 30, 2003

John Vita
Schools and Library Division

Dear Mr. Vita:

To clarify what we discussed this morning, the two appeals I filed on March 31 on behalf of Approach Learning and Assessment Centers concerned two Commitment Adjustment Letters, both dated January 31, 2003. They sought to recover money funded in the 2001-2002 and 1999-2000 funding years, based on a denial made in Year 5. The Year 5 denial was in the process of appeal to the SLD.

In my appeal of both letters I asked that the letters be withdrawn until the appeals process had been completed. The SLD has subsequently denied the Year 5 appeal, but the applicant plans to file an FCC appeal, so the basic premise of my appeal remains the same: delay the recovery effort for earlier funding years until the entire appeal process has played out.

I realize that there is a further confusion factor because there were two Commitment Adjustment Letters issued (one for the 1999-2000 funding year, the other for the 1999-2000 funding year), and I therefore filed two appeals. If there is any way they could be handled together, it would probably simplify matters.

If you require any additional information, let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Morrow", is written over a horizontal line.



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 1999-2000

October 17, 2003

CC: Fran Older
Approach Learning & Assessment Centers
2130 E. Fourth Street, Suite 200
Santa Ana, CA 92705

Re: Billed Entity Number: 158862
471 Application Number: 140957
Funding Request Number(s): 298712, 299955
Your Correspondence Dated: March 28, 2003

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year 1999 Funding Commitment Adjustment for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 298712, 299955
Decision on Appeal: **Denied in full**
Explanation:

- In your letter of appeal, you state that the customer, Approach Learning & Assessment Centers, provided you with Fran Older as the contact person's name. You also indicate that the contact person was not an employee of Inter-Tel and the violation occurred without your knowledge. You would welcome suggestions on how to rectify the situation.
- Upon review of the appeal it was determined that the applicant's Form 470 #949950000216594 included service provider contact information in Block 1, Item 6 and Block 6, item 16. The same contact information was also provided on Block 1 of the Form 471 application #140957. This information includes the name of Fran Older, located at 5319 University Dr # 416, Irvine, CA, with the phone # 949-786-9674. At the time the selective review was performed, this was the

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FAX NO. 17145435463

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contact person, address, and phone number for LW Associates as listed in the SLD database for SPIN contacts. Program rules require the applicant to provide a fair and open competitive bidding process. Per the SLD website; "In order to be sure that a fair and open competition is achieved, any marketing discussions you hold with service providers must be neutral, so as not to taint the competitive bidding process. That is, you should not have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition or would furnish the service provider with "inside" information or allow them to unfairly compete in any way. A conflict of interest exists, for example, when an applicant's consultant, who is involved in determining the services sought by the applicant and who is involved in the selection of the applicant's service providers, is associated with a service provider that was selected." Since the applicant's consultant/contact person is also the contact person for a service provider from whom the applicant is requesting services, all FRN's that are associated with this Form 470 must be denied as required by program rules. Consequently, the appeal is denied.

- FCC rules require applicants to seek competitive bids and in selecting a service provider to carefully consider all bids.¹ FCC rules further require applicants to comply with all applicable state and local competitive bidding requirements.² In the May 23, 2000 *MasterMind Internet Services, Inc. (MasterMind)* appeals decision, the FCC upheld SLD's decision to deny funding where a MasterMind employee was listed as the contact person on the FCC Form 470 and MasterMind participated in the competitive bidding process initiated by the FCC Form 470.³ The FCC reasoned that under those circumstances, the Forms 470 were defective and violated the Commission's competitive bidding requirements, and that in the absence of valid Forms 470, the funding requests were properly denied.⁴ Pursuant to FCC guidance, this principle applies to any service provider contact information on an FCC Form 470 including address, telephone and fax numbers, and email address.
- Conflict of interest principles that apply in competitive bidding situations include preventing the existence of conflicting roles that could bias a contractor's judgment, and preventing unfair competitive advantage.⁵ A competitive bidding violation and conflict of interest exists when an applicant's consultant, who is involved in determining the services sought by the applicant and who is involved in the selection of the applicant's service providers, is associated with a service provider that was selected.

¹ See 47 C.F.R. §§ 54.504(a), 54.511(a).

² See 47 C.F.R. § 54.504(a), (b)(2)(vi).

³ See *In re MasterMind Internet Services, Inc.*, CC Docket 96-45, ¶ 9 (May 23, 2000).

⁴ See *id.*

⁵ See, e.g., 48 C.F.R. § 9.505(a), (b).

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FAX NO. 17145435483

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If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

MAR-28-2003 FRI 01:25 PM OLIVE CREST

FAX NO. 17145435463

P. 02



Letter of Agency

I hereby authorize E-rate Consulting Services, LLC to submit FCC Form 470, FCC Form 471, and other E-rate forms to the Schools and Library Division on behalf of our school district for all eligible services outlined in the most current "Eligible Services List" published by USAC.

I understand that in submitting these forms on our behalf, you are making certifications for our school district. By signing this letter of agency, I make the following certifications:

- (a) I certify that the schools in our district are all schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, do not operate as for-profit businesses, and do not have endowments exceeding \$50 million.
- (b) I certify that the schools in our district have secured access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the services purchased as well as to pay the discounted charges for eligible services.
- (c) I certify that the schools in our district are all covered, or will be covered at the time funded services are provided, by E-rate approved technology plans (unless discounts are only being requested for basic local and long distance telephone service).
- (d) I certify that our school district is compliant, or will be compliant at the time funded services are provided, with the Children's Internet Protection Act (unless discounts are only being requested for telecommunications services.)
- (e) I certify that the services that our school district purchases using E-rate discounts (as described in the law 47 U.S.C. Sec. 254) will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.
- (f) I certify that the entities eligible for support that I am representing have complied with all applicable state and local laws regarding procurement of services for which support is being sought.
- (g) I certify that our school district has complied with all E-rate program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments.
- (h) I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of the benefits from those services.
- (i) I certify that I am authorized to sign this letter of agency and, to the best of my knowledge, information, and belief, all information provided to E-rate Consulting Services, LLC for E-rate submission is true.

I understand that persons willfully make false statements on E-rate forms or through this letter of agency can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001

District: Approach Learning & Assessment Centers

Signature: Donald Verleur

Date: March 28 2003

Name: Donald Verleur

Title: President

Please sign and fax to (770) 592-4693. Also mail the original to:
E-rate Consulting Services, LLC
103 Weatherstone Drive Suite 720
Woodstock, GA 30188